(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Criminal Appeal No. 1010 **/2003.**

APPELLANT/ACCUSED : Mailu alias Suraj, aged 27 years S/o Ram Kumar Sarthi, resident of Prabhatchauka, Chingraj Para, P.S.Sarkanda, Bilaspur, Tah. & Distt. Bilaspur (C.G.)
(In judicial custody)

B 499/03
Filed on 10/9/03
by Shri C.D. Shah Advocate

R to D.R.(J)
8/9/03

Versus.

RESPONDENT : State of Chhattisgarh Through : S.O.Sarkanda, Tah.& Distt.Bilaspur (C.G.)

(MEMO OF APPEAL UNDER SECTION 374 (2) OF THE CODE OF CRIMINAL PROCEDURE, 1973).

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr.A.1010/03 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

DIVISION BENCH:

HON'BLE SHRI K.H.N. KURANGA, CJ
& HON'BLE SHRI L.C. BHADOO, J

16/12/2003: -

Heard Shri M.D. Sharma counsel for the appellant and Shri P.S. Koshy, Govt. Advocate, for the State/respondent.

This appeal namely Criminal Appeal No.1010 of 2003 has been filed by accused/appellant Mallu alias Suraj against the judgment dated 25th August 2003 passed by the Special Judge (Atrocities), Bilaspur in Sessions Trial No.118 of 2001 whereby the learned Special Judge after holding the accused/appellant guilty of the offences punishable under Sections 302 read with Section 34, 324 read with Section 34 and 323 read with Section 34 of the Indian Penal Code convicted and sentenced him to undergo imprisonment for life and to pay a fine of Rs.200/- in default of payment of fine to further undergo simple imprisonment for two months, to undergo rigorous imprisonment for six months and to undergo rigorous imprisonment for one month, respectively.

It is submitted that there were five accused in the said sessions case and two accused have been acquitted. Accused Mahant alias Mahendra, Diwakar alias Guddu and Mallu alias Suraj have been convicted and sentenced in the aforesaid manner. Appellant Mallu alias

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मामला क्रमांक Cr.A.No. 1010/03 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Suraj has filed this appeal alone against the said judgment. All the three accused including the present appellant namely Mahant alias Mahendra, Diwakar alias Guddu and Mallu alias Suraj have filed Criminal Appeal No.1108 of 2003 and it is pending before this Court. In the circumstances, we are of the opinion that this appeal is unnecessary, Since the appellant in this appeal is also an appellant in Criminal Appeal No.1108 of 2003, this appeal stands disposed of as unnecessary. Shri M.D. Sharma counsel for the appellant is permitted to appear for appellant No.3 - Mallu alias Suraj in Criminal Appeal No.1108 of 2003. In view of this order, I.A. No.3698 of 2003 stands disposed of. Sd/- Chief Justice Sd/- L.C.BHADOO Judge	

Brajesh